

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| <i>In re</i> U.S. Patent 7,709,009 |) | |
| |) | Art Unit: 1645 |
| GRANDI <i>et al.</i> |) | |
| |) | Examiner: P. Baskar |
| Serial No.: 10/565,126 |) | |
| |) | Atty Docket No.: PP020663.0004 |
| Issue Date: May 4, 2010 |) | |
| |) | Confirmation No.: 4123 |

For: **IMMUNOGENIC COMPOSITIONS FOR
STREPTOCOCCUS PYOGENES**

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)

U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants request reconsideration of the patent term adjustment for U.S. Patent 7,709,009. Charge the fee under 37 C.F.R. § 1.18(e) to our Deposit Account No. 19-0733.

Statement of Facts

1. The face of U.S. Patent 7,709,009 indicates that its term is adjusted under 35 U.S.C. § 154(b) by 635 days.
2. Under 37 C.F.R. § 1.702(a), U.S. Patent 7,709,009 is entitled to additional days of patent term because the Patent Office's patent term adjustment calculation is incorrect.

3. The Notice of Allowance was mailed on November 16, 2009. The issue fee was due on February 16, 2010.
4. Applicants paid the issue fee on February 16, 2010. Applicants also filed an amendment under 37 C.F.R. § 1.312 on February 16, 2010.
5. Applicants filed corrected drawings on February 18, 2010.
6. Under 37 C.F.R. § 1.704(c)(1), the period of adjustment of patent term is reduced by the number of days beginning on the date a amendment under Rule 312 or other paper was filed and ending on the mailing date of the response to the amendment or other paper.
7. A response to the Rule 312 amendment was mailed on February 25, 2010. The response also acknowledged receipt and acceptance of the corrected drawings.
8. The difference between February 16 and February 25 is 9 days.
9. The Patent Term Adjustment history indicates a reduction in PTA of 78 days (76 days and 2 days) instead of 9 days, which is a difference of 69 days.
10. The total number of days of additional patent term to which U.S. Patent 7,709,009 is entitled is 704 (635 +69).

Respectfully submitted,

BANNER & WITCOFF, LTD.

/Lisa M. Hemmendinger/

Date: June 24, 2010

By: _____

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